

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: Lise King CIP
Serial No.: 10/825,272 Group No.: 3725
Filed: April 15, 2004 Examiner: A. Valenti
For: Pet Stroller

MAILSTOP: APPEAL BRIEF
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

In accordance with the provisions of 37 C.F.R. 41.37(c), the following items under appropriate headings are provided for this appeal from the final rejection of claims 1-3, 5-11, 13-22 dated May 15, 2006.

1. **REAL PARTY IN INTEREST**

The real party in interest is Lise King.

2. **RELATED APPEALS AND INTERFERENCES**

The Appellant and the Appellant's legal representatives know of no other appeals and interferences which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3.

STATUS OF CLAIMS

Claims 4 and 12 have been cancelled without prejudice. Claims 1-3, 5-11 and 13-22 were finally rejected in an Office Action dated May 15, 2006. No claims have been allowed. The appealed claims are 1-3, 5-11 and 13-22.

4.

STATUS OF AMENDMENTS

No amendments were filed after the Final Office Action. The February 17, 2006 Amendment amended claims 1, 8, 9, 15, 20 and 21.

5.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 refers to a pet stroller comprising a collapsible frame 10 (FIG. 1 spec. pp. 7 line 13) comprising a bottom section 12 (FIG. 1, pp 7, ln. 14) and a plurality of rails. The rails comprise a first set of substantially vertical rear rails 13 (FIG. 1 pp. 7, ln. 15) and a second set of substantially forward rails 11 (FIG. 1 pp. 7 ln. 15) coupled to the bottom section 12 at a front portion of the frame (FIG. 1) and coupled to an upper portion of the substantially vertical rails at a rear portion of the frame (FIG. 1). There is also a handle 14 (FIG. 1 pp. 7, ln. 16) disposed on the frame 10. Coupled to the frame are a plurality of wheels 16 (FIG. 1 pp. 7, ln. 16) rotatably secured to the frame10.

There is also an enclosure 20 (FIG. 2 pp 8, ln 9) comprising an enclosure frame 21, 22 (FIG. 2, pp. 8, ln. 11, 12) forming a bottom section 25 (FIG. 2 pp. 8 ln. 14, 15) of the enclosure, an outer section of the enclosure, (FIG. 2) and a plurality of end sections of the enclosure (FIG. 2). The enclosure frame comprises a plurality of semicircular hoop portions

21 (FIG. 2, pp 8, ln 11) forming a rounded upper surface and a plurality of crossbars 22 (FIG. 2, pp 8, ln 12). There is a flexible netting material 23 (FIG. 2, pp8, ln. 12) secured to the enclosure frame and covering at least approximately one half of a length (FIG. 2 pp. 5 ln 8,9) of the outer section of the enclosure. In addition, there is a padded material (FIG. 2, pp. 8, ln 14, 15) covering the bottom section of the enclosure and at least one door 26 (FIG. 2, pp. 9 ln. 1) releasably secured to at least one of the plurality of end sections of the enclosure. The enclosure can include a handle 29 (FIG. 2, pp. 8, ln. 19) mounted to the enclosure for carrying the enclosure. There is also at least one fabric cover 24 (FIG. 2, pp.8 ln. 17) covering approximately one half of the length of the enclosure (FIG. 2, pp. 5, ln 8,9).

The frame is designed so that the forward rails are angled (FIG. 3) so that when the portable collapsible enclosure 20 is placed on the frame 10, the forward rails 11 extend from a first position adjacent to a bottom region of the portable collapsible enclosure to a second position above the portable collapsible enclosure, in a manner to prevent the portable collapsible enclosure from falling off of said frame (pp. 9, ln. 11, 12) when the frame and enclosure are in use.

Claim 2 depends from claim 1 and includes a frame 10 that comprises a plurality of side rails 11 secured to the bottom section and a plurality of rear rails 13 secured to the bottom section (FIG. 1).

Claim 3 depends from claim 2 and states that the plurality of side rails 11 and the plurality of rear rails 13 are comprised of metal tubing (pp. 8, ln. 2,3).

Claims 5-9 depend from claim 1. For example claim 5 relates to a flexible material 24 that is secured to the enclosure frame with adhesive, rivets or binding (pp. 5, ln. 6-7).

Claim 6 relates to a flexible material that is a netting material that comprises fish netting (pp. 4, ln. 4). Regarding claim 7, the netting material is secured to the enclosure frame by rope or string (pp. 5, ln. 4) which is wrapped through a hole in the netting material and around the enclosure frame. In this case, in claim 8, the fabric cover comprises a durable, water resistant material disposed on a portion of the outer section of the enclosure (pp. 5, ln. 9). According to claim 9, the durable water resistant material covers one of the end sections of the enclosure (pp. 5, ln. 9).

Both claims 10 and 11 depend from claim 9. For example, claim 10 includes a window 31 (FIG. 2, pp. 10, ln. 3) cut in the end section that contains the water resistant material. Claim 11 relates to stroller having a pocket 30 (FIG. 2, pp. 10, ln. 5) located in the end section containing the water resistant material.

Claims 13-19 all depend from claim 1. Claim 13 relates to a pet stroller having an enclosure that is collapsible (pp. 10, ln. 10). Claim 14 relates to a pet stroller having a plurality of wheels that are comprised of rubber (pp. 8, ln. 1). Claim 15 relates to a pet stroller wherein the wheels are removable (pp. 8, ln. 1). Claim 16 relates to a plurality of wheels that comprise four wheels (pp. 7, ln. 16). Claim 17 relates to a brake 17 (FIG. 1, pp. 8, ln. 5) to stop rotation of the plurality of wheels.

Claim 18 relates to a pet stroller such that an enclosure frame is constructed from a strong weather-proof material selected from the group consisting of aluminum, steel and heavy plastic (pp. 3, ln. 17). Claim 19 relates to a pet stroller wherein the door is releasably secured to at least one of the end sections of the enclosure by a zipper (pp. 9, ln. 5).

Claim 20 is an independent claim and relates to a pet stroller comprising a collapsible frame 10 (FIG. 1, pp. 7, ln. 13). The collapsible frame comprises a bottom section 12 (FIG. 1, pp. 7, ln. 14), a handle 14 (FIG. 1 pp. 7, ln. 16), and a plurality of wheels 16 (FIG. 1, pp. 7, ln. 16) rotatably secured to the frame 10. There is also a plurality of rails 11, 13 (FIG. 1) coupled to the bottom section 12 at a front portion of the frame and coupled to the handle 14 at a rear portion of the frame.

The stroller also includes a portable collapsible enclosure 20 (FIG. 2) comprising an enclosure frame 21, 22 (FIG. 2, pp. 8, ln. 11, 12) forming a bottom section of the enclosure 20, an outer section of the enclosure, and a plurality of end sections of the enclosure, (FIG. 2). This enclosure frame comprises plurality of semicircular hoop portions 21 (FIG. 2, pp. 8, ln 11) forming a rounded upper surface and a plurality of crossbars 22 (FIG. 2). There is also a flexible netting material 23 (FIG. 2 pp. 8, ln. 12) secured to the enclosure frame and substantially covering the outer section of said enclosure (FIG. 2, pp. 5, ln 8,9). There is also at least one door 26 (FIG. 2, pp.9 ln 1) releasably secured to at least one of the plurality of end sections of the enclosure. The enclosure 20 also includes at least one handle 29 (FIG. 2, pp. 8, ln 19) mounted to the enclosure for carrying the enclosure. The handle 29 extending lengthwise on the enclosure 20. The enclosure also includes a fabric

cover 24 (FIG. 2 pp. 8, In 17) covering approximately one half of the length of the enclosure (FIG. 2, pp. 5, In 8,9) wherein the fabric cover is coupled to at least two of the frame components. With this design, the rails 11 (FIG. 3) are angled up so that when the portable collapsible enclosure 20 is placed on the frame 10, the rails 11 extend from a first position adjacent to a bottom region 25 of the portable collapsible enclosure 20 to a second position above the portable collapsible enclosure 20, in a manner to prevent the portable collapsible enclosure from falling off of the frame when the frame and enclosure are in use (pp. 9, In 11, 12).

Claim 21 is an independent claim that relates to a pet stroller comprising a collapsible frame 10 (FIG. 1, pp. 7 In. 13) comprising a bottom section 12, (FIG. 1, pp. 7, In 14) a handle 14 (FIG. 1 pp. 7, In 16) disposed on the frame 10, and a plurality of wheels 16 (FIG. 1, pp. 7, In 16) rotatably secured to said frame 10. There is also a plurality of rails 11, 13 (FIG. 1, pp.7, In 15) comprising a set of substantially forward rails 11 (FIG. 1 pp. 7, In 15) coupled to the bottom section at a front portion of the frame 10 and coupled to the handle at a rear portion of the frame 10 (FIG. 1).

There is also an enclosure 20 (FIG. 2) comprising an enclosure frame 21, 22 (FIG. 2, pp. 8, In 11, 12) forming a bottom section 25 (FIG. 2, pp. 8, In 14, 15), an outer section of the enclosure (FIG. 2), and a plurality of end sections (FIG. 4). The enclosure frame 21, 22 comprising a plurality of semicircular hoop portions 21 (FIG. 2, pp. 8, In 11) forming a rounded upper surface and a plurality of crossbars 22 (FIG. 2, pp. 8, In 12) The enclosure also includes a flexible netting material 23 (FIG. 2, pp. 8, In 12) secured to the enclosure

frame and covering the outer section of the enclosure. There is also at least one door 26 (FIG. 2, pp. 9, ln. 1) releasably secured to at least one of the plurality of end sections of the enclosure 20. The enclosure can also include at least one handle 29 (FIG. 2, pp. 8, ln 19) mounted to the enclosure 20 for carrying said enclosure 20. Coupled to the enclosure is a fabric cover 24 (FIG. 2, pp. 8, ln 19) extending over at least one of the semicircular hoop portions 21 of the frame. With this design, the frame rails 11 (FIG. 3) are angled up so that when the portable collapsible enclosure is placed on the frame 10, the rails extend from a first position adjacent to a bottom region of the portable collapsible enclosure 25 to a second position above the portable collapsible enclosure 20, in a manner to prevent the portable collapsible enclosure from falling off of the frame when the frame and enclosure are in use (pp. 9, ln 11, 12).

Claim 22 is a dependent claim that depends from claim 20 and states that the enclosure 20 has an end wall adjacent to a section enclosed by the fabric 24, wherein the end wall has a window 31 (FIG. 4, pp. 10, ln 3) disposed therein.

6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1) The Examiner has rejected claims 1-3, 5-11, and 13-22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,374,775 to *Baumsteiger* in view of U.S. Patent No. 5,335,618 to *Zarola* and U.S. Patent No. 2,538,778 to *Halpin*.

2) The Examiner has rejected claims 1-3, 5-11, 13-20, and 22 under 35 U.S.C. §103(a) as being unpatentable over *Baumsteiger* in view of *Zarola* and *Halpin* as applied to claims 1-3, 5-11, 13-20, and 22 above, and further in view of U.S. Patent No. 6,584,937 to *Ludolph*.

3) Claims 20-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,113,793 to *Leader* in view of *Zarola*. Claim 20 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Leader* in view of *Zarola* as applied to claims 20 and 21 above, and further in view of *Ludolph*.

4) Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,113,793 to *Leader* in view of U.S. Patent No. 5,335,618 to *Zarola* as applied to claims 20 and 21 above, and further in view of U.S. Patent No. 6,584,937 to *Ludolph*.

7.

ARGUMENT

Claims 1-3, 5-11, and 13-22 are patentable over Baumsteiger in view of Zarola and Halpin.

Independent Claim 1

As to independent claim 1, and claims 2-3, 5-11 and 13-19 which depend directly or indirectly thereon, the Examiner has based her rejection under 35 U.S.C. § 103(a) on the combination of three references in which the Examiner asserts that it would have been obvious to modify the collapsible pet stroller disclosed in the primary reference to *Baumsteiger* with selected features of the secondary references to *Zarola* and Halpin.

The Examiner cites *Baumsteiger* but admits that *Baumsteiger* is silent about the configuration of an enclosure associated with a frame as stated in line 1 on page 3 of the Examiner's rejection.

To overcome the differences between claim 1, and the disclosure of *Baumsteiger*, the Examiner attempts to combine the reference of *Baumsteiger* with that of *Zarola*. The Examiner in her rejection on page 3 lines 14 and 15 states that "*Baumsteiger* teaches an animal enclosure and a cart for ease of traveling with an animal and *Zarola* teaches an animal enclosure for traveling with an animal."

However, the enclosure of *Zarola*, in particular, the enclosure or animal house 10 differs entirely from the enclosure as claimed in claim 1. For example the disclosure of

Zarola relates primarily to a portable enclosure or house unit 10 described in column 3 line 19- column 4 line 26, and an extension or run unit 12 which is described in column 4 line 27-66.

The Examiner further admits that neither *Baumsteiger* nor *Zarola* disclose using a pet enclosure that includes a padded material. The Examiner turns to *Halpin* and states that it would have been obvious to modify the teachings of *Baumsteiger* as modified by *Zarola* with the teachings of *Halpin* to arrive at the invention of claim 1.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See Also In Re Fine, 837 F.2d 1596, 1598-99 (Fed Cir. 1988).

With respect to the above rejection, it is respectfully submitted that 1) the references do not teach all of the claim limitations; 2) there is no suggestion or motivation to combine these references; 3) there is no reasonable expectation of success.

For example, none of the references teach a portable collapsible enclosure that can be disposed on a frame, wherein the enclosure has a plurality of hoop portions, and a flexible netting material covering at least approximately one half of the length of the enclosure.

In *Zarola*, the animal house unit 10 which is the transportable unit being combined with the disclosure of *Baumsteiger*, has end walls that are “preferably of canvas material” see column 3 line 27. In fact *Zarola* repeatedly states that the side walls of this portable enclosure 10 are made from canvas. See also column 3 lines 30-31 and column 3 lines 45-46. The only mesh portion described on this house unit 10 is an opening or window 35 as disclosed in column 4 lines 13 and 14 of *Zarola*.

Instead of distinguishing between the house unit 10, and the separate run unit 12, the Examiner combines the features of these two different units to arrive at a combination unit which is not even disclosed in *Zarola*. It is respectfully submitted that *Zarola* does not disclose a portable enclosure having a flexible netting material “covering at least approximately one half of a length of said outer section of said enclosure” as claimed in claim 1. Instead, *Zarola* discloses a portable enclosure that is primarily made from canvas as stated above which may be attached to a substantially non-portable run unit 12 which can be made from a mesh material.

Therefore, to arrive at the features cited by the examiner, the features of the house unit 10 would have to be combined with the features of the run unit 12. This type structure is not contemplated or suggested by *Zarola*. Thus, It is respectfully submitted that this extent of modification would require undue experimentation to arrive at the highly successful product that is claimed in claim 1. Neither *Baumsteiger* or *Halpin* disclose this feature either.

In addition, it is respectfully submitted that there is no suggestion or motivation to combine the above identified references either explicitly or implicitly.

For example, it is respectfully submitted that there is no explicit suggestion contained in *Baumsteiger* to modify the teachings of *Baumsteiger* to use the teachings of *Zarola* or *Halpin* to arrive at the invention as claimed in claim 1. In addition, it is respectfully submitted that there is no implicit teaching to make this combination either. This is because as stated above, *Zarola* does not even disclose the enclosure as claimed in claim 1. For this reason, it is respectfully submitted that the above cited references do not even teach or suggest all of the claim limitations as claimed in claim 1.

In addition, *Zarola* does not teach the combination of the enclosure with a frame as disclosed in claim 1. Instead, *Zarola* teaches the combination of an enclosure with a run unit. Furthermore, *Halpin* also does not teach combining that enclosure with the frame disclosed in *Baumsteiger* or the frame as claimed in claim 1.

It is respectfully submitted that it would not be obvious to modify the disclosures of *Baumsteiger* and *Zarola* with the disclosure of *Halpin* to arrive at the invention as claimed in claim 1. For example the kennel disclosed in *Baumsteiger* is a kennel made from a substantially solid material which is completely unlike the structure of the present invention which includes a frame, a flexible netting material and a fabric cover. While both *Zarola* and *Halpin* disclose a housing made from a pliable material, both do not disclose a housing made from a flexible netting material “covering at least approximately one half of a length of said outer section..”

In contrast, with the enclosure as claimed in claim 1, there is a flexible netting material which covers at least approximately one half of the length of the outer section of the enclosure. This area allows the animal or pet to have a substantially large viewing area when taken out on a walk. With an area that large, an animal would have at least a 270 degree viewing area to see forward, and on both sides. In this way, an animal would not have to strain itself to see out of a small window such as that disclosed in *Zarola* (see column 4 lines 12-13).

The remaining portion as claimed in claim 1, includes a fabric covering which also covers approximately one half of the length of the enclosure. This area provides a sufficient area for an animal to shield itself from sun or precipitation. It also provides the animal with sufficient privacy when it wishes to sleep or offers protection from perceived predators.

It is respectfully submitted that the above advantages provide considerable benefits to a pet enclosed within the enclosure which is transported on the frame as claimed in claim 1.

Furthermore, it is respectfully submitted that even with the modification of *Baumsteiger* in view of *Zarola* and *Halpin*, there could not be any reasonable expectation of success. This is because for someone skilled in the art to arrive at the invention as claimed in claim 1, that person would have to modify *Baumsteiger* with features not even wholly disclosed in *Zarola*, and then combine these features with *Halpin*. To achieve this result, the housing unit 10 of *Zarola* would have to be modified to include features that are not disclosed in the housing unit but rather disclosed only in the run unit 12.

It is respectfully submitted that even after combining the disclosures of the above references these disclosures would have to be modified significantly to even approach the features of the present invention. In addition, given the significant advantages provided by these features, it is respectfully submitted that considerable practical experimentation would have to be conducted before reaching the practical beneficial effects of the design of the present invention.

Therefore, it is respectfully submitted that claim 1 as amended, and dependent claims 2-3, 5-11 and 13-19 are patentable over the above cited references taken either singly or in combination.

Independent Claim 20

The Examiner has also rejected independent claim 20. With respect to the above rejection, it is respectfully submitted that claim 20 is patentable over the above rejections because 1) the references do not teach all of the claim limitations; 2) there is no suggestion or motivation to combine these references; 3) there is no reasonable expectation of success for the reasons recited above.

First, independent claim 20 does not include the limitation that the “flexible netting material covers at least approximately one half of a length of said outer section of said enclosure” as claimed in claim 1. However it is respectfully submitted that claim 20 is patentable over the above cited references to *Baumsteiger*, *Zarola* and *Halpin*. This is because none of the references teach a portable collapsible enclosure having: “a flexible netting material secured to said enclosure frame and substantially covering said outer section of said enclosure”. As claimed in claim 20.

In addition, as provided above, there is no explicit or implicit suggestion to combine *Baumsteiger*, *Zarola* and *Halpin* together.

Furthermore, it is respectfully submitted that a significant amount of undue experimentation would be required to modify the disclosures of *Baumsteiger*, *Zarola* and *Halpin* to arrive at the invention claimed in claim 20.

Independent Claim 21

Independent claim 21 does not include the statement that the flexible netting material “substantially” covers the outer section of the enclosure as claimed in claim 20. However, for the reasons stated above with regard to both claims 1 and 20, it is respectfully submitted that because there is no explicit or implicit suggestion to combine *Baumsteiger*, with *Zarola* and *Halpin*, to make claim 21 obvious. It is respectfully submitted that Baumsteiger only discloses a stroller that can be used as an open bed or used with an existing kennel container such as described in column 4 lines 14-16 of *Baumsteiger*. There is no mention of substituting portable carriers for kennel containers such as that disclosed in *Zarola*. In addition, *Zarola* discloses an animal enclosure but only describes that this animal enclosure can be combined with another runner type device such as a run unit 12. It does not disclose or suggest combining the housing unit 10 with another stroller. While *Halpin* also discloses an enclosure, it also does not suggest combining that enclosure with a stroller. Therefore, because there is no suggestion to combine these references, it is respectfully submitted that claim 21 along with independent claims 1 and 20 are patentable over the above cited references taken either singly or in combination.

2) Claims 1-3, 5-11, 13-20 and 22 are patentable over *Baumsteiger* as modified by *Zarola*, *Halpin*, and in further view of *Ludolph*.

Claim 1

Regarding claim 1, as stated above with regard to the first rejection, it is respectfully submitted that the references of *Baumsteiger*, *Zarola* and *Halpin* do not teach all of the claim limitations of claim 1. Furthermore, the addition of *Ludolph* does not teach all of the claim limitations of claim 1 either. For example, the enclosure of *Ludolph* discloses a carriage but

it does not disclose a portable enclosure having a plurality of semicircular hoop portions and a plurality of cross bars as disclosed in claim 1. Ludolph also does not disclose a door disposed in the enclosure or a handle.

Furthermore, with respect to the arguments presented above in the first rejection, there is no suggestion or motivation to combine the references to *Baumsteiger*, *Zarola*, and *Halpin* to arrive at the present invention as claimed in claim 1. Further, there is no suggestion to combine the above three references with *Ludolph* either. *Ludolph* relates to a pet transport system which is for taking small pets on outings. However, the enclosure of *Ludolph* is entirely different from the enclosure claimed in claim 1.

In addition, *Ludolph* does not teach that this enclosure is removable from the frame, and there is no showing of any handles on this enclosure. In addition, the enclosure does not have any doors as described in the present invention and as claimed in claim 1, instead with *Ludolph*, the mesh material is made from a ferrous material that is coupled to the remaining enclosure via a magnet see *Ludolph*, column 3 lines 63-67. Two of the references, *Baumsteiger* and *Ludolph* do not disclose an enclosure that is even close in design to that of the present invention as claimed in claim 1. The other two references *Zarola* and *Halpin* do not disclose an enclosure that is coupled with a stroller frame. Therefore it is respectfully submitted that there is no suggestion or motivation to combine the enclosed references together to arrive at the invention as claimed in claim 1.

Claim 20

Regarding claim 20, as stated above, it is respectfully submitted that there is no suggestion to combine the references of *Baumsteiger*, *Zarola* and *Halpin* to arrive at the present invention as claimed in claim 20, and there is no suggestion to combine these references with *Ludolph* either to arrive at the invention as claimed in claim 20. For example, claim 20 states that the enclosure is a “portable collapsible enclosure” comprising “at least one door”. Both of these features are not shown in the carriage or enclosure of *Ludolph*. It is respectfully submitted that the enclosure of *Ludolph* is so different from the enclosure disclosed in *Zarola* or *Halpin*, that it would require significant structural changes between the designs of the three references before arriving at the design of the present invention. Therefore, it is respectfully submitted that claim 20 is patentable over the above cited references taken either singly or in combination.

Claim 21

Regarding claim 21, it is respectfully submitted that since there is no suggestion to combine the references to *Baumsteiger*, *Zarola* and *Halpin* together as recited in claims 1 and 20 above, and there is also no suggestion to combine these three references with *Ludolph* either to arrive at the invention as claimed in claim 21. For example, with claim 21, the enclosure includes “at least one door releasably secured to at least one of said plurality of end sections of said enclosure.”

This feature is not shown in *Ludolph*, which shows a design entirely different from *Baumsteiger*, *Zarola* and *Halpin*, and wherein this device is also entirely different from the present invention as claimed in claim 21.

3) Claims 20-22 are patentable over *Leader* in view of *Zarola*.

Claim 20

It is respectfully submitted that claims 20-22 are still patentable over the above cited references taken either singly or in combination. This is because 1) with respect to claim 20, even after combining the disclosures of the above two references, it could not result in the present invention as claimed in claim 20; 2) there is no suggestion or motivation to combine the two disclosures of *Leader* and *Zarola*; and 3) there is no reasonable expectation of success.

For example, claim 20 includes “a flexible netting material secured to said enclosure frame and substantially covering said outer section of said enclosure”.

Neither *Leader* or *Zarola* include this feature. *Leader* teaches a “cage like enclosure 15” as recited in column 3 line 6 and disclosed in FIG. 1 of *Leader*. *Zarola* teaches a house unit wherein “ the side walls and roof are preferably formed in one piece of a suitable pliable material such as canvas or the like.” The Examiner relies on FIG. 2 of this reference. FIG. 2 of this reference discloses a side view of this enclosure which only discloses a window as described in column 4 line 10, wherein this window, made from mesh material, is not “substantially covering said outer section of said enclosure” as recited in claim 20. Therefore, it is respectfully submitted that claim 20 is patentable over the above cited references.

The Examiner states that it would have been obvious to modify the teachings of Leader with the teachings of *Zarola* to select the enclosure of *Zarola* to combine it with the carrier of *Leader*.

Leader does not disclose that the rails are used to:

... prevent said portable collapsible enclosure from falling off of said frame when said frame and enclosure are in use.. as claimed in claim 20.

Instead, *Leader* discloses a support tray 19 that has borders 5 on each side of the carriage 20 to keep the enclosure 15 in place as well as a front holding bar 13 to keep the enclosure from sliding forward.

In addition, this tray 19 is described as a metal tray or other strong material to support the weight of the enclosure.

It is respectfully submitted that this design is of such heavy construction that it would be impractical for the purposes of the design of the present invention. It is respectfully submitted that a heavy metal wire cage and a heavy frame having a solid metal tray would be cumbersome and would render the design of *Leader* to be unacceptable to most users. Furthermore, the square cage would be impractical to carry with a top handle because this type of a square cage would have edges that would either cut or dig into the user's leg as the user carried the cage.

Instead, with the design of the present invention, the hoops form an enclosure with a rounded upper surface, which is easier for the user to carry because it would then not cut or dig into the user's leg. In addition, much of the enclosure is enclosed by either a fabric or a flexible netting material which creates a softer interaction than a hard metal cage and an enclosure that is much more light weight. Therefore, it is respectfully submitted that the design of the present invention is much improved over the design of *Leader*.

It is respectfully submitted that there is no suggestion to combine the reference of *Leader* with *Zarola* because the frame in *Leader* is designed to receive a wire frame cage that is preferably "box like" as stated in column 3, line 9.

In addition, as stated above, *Zarola* only discloses combining the disclosure with an attached run unit and not with a stroller or stroller frame.

Furthermore, it is respectfully submitted that there is no reasonable expectation of success. Instead, there must be great experimentation to arrive at the housing of the present invention, which provides both a "flexible netting material ..substantially covering said outer section of said enclosure" and a "fabric cover covering approximately one half of the length of said enclosure.."

The above feature provides a viewable opening that serves as a substantially large viewing area when a pet is taken out on a walk. With an area that large, an animal would have at least a 270 degree viewing area to see forward, and on both sides. In this way, an

animal would not have to strain itself to see out of a small window such as that disclosed in *Zarola* (see column 4 lines 12-13).

Claim 21

It is respectfully submitted that claim 21 is patentable over the examiner's rejection in view of *Leader* and *Zarola*.

For example, there is no suggestion or motivation to combine the references of *Leader* and *Zarola*.

Leader discloses a frame for carrying an enclosure. *Zarola* discloses an enclosure having both flexible netting material and a fabric cover. However, *Leader* does not suggest combining the stroller with an enclosure that includes semicircular hoop portions and both a flexible netting material and a fabric cover. In addition, *Zarola* does not suggest combining the enclosure with a stroller. Instead *Zarola* only teaches combining the enclosure with the attached run section.

Therefore, it is respectfully submitted that there is no suggestion or motivation to combine these two references to arrive at the invention disclosed in claim 21. Furthermore, to arrive at the disclosure of claim 21 it would require a significant amount of experimentation. Therefore, we believe that it would not be obvious to combine the two references of *Leader* and *Zarola* together to arrive at claim 21. Therefore, we believe that claim 21 is patentable over the above cited references taken either singly or in combination.

4) Claim 20 is patentable over *Leader* and *Zarola* as applied to claims 20 and 21 above and in further view of *Ludolph*.

Claim 20

As stated above it is respectfully submitted that it would not be obvious to combine the references to *Leader* and *Zarola* together to arrive at claim 20. This is because there is no suggestion or motivation to combine these references. In addition, it is also submitted that significant additional experimentation would be required to arrive at claim 20. Furthermore, even if these two references were combined, it would still not result in all of the limitations disclosed in claim 20. The examiner states that *Zarola* does not explicitly teach that the fabric covers one half of the length of the enclosure. The examiner instead points to the teachings of *Ludolph*. However, *Ludolph* does not teach a portable collapsible enclosure which has a plurality of hoop portions, or a door. Since there is no suggestion or motivation found in any of these references to combine these references together, it is respectfully submitted that these references are patentable over the above cited references taken either singly or in combination. Furthermore, it is respectfully submitted that to arrive at the very popular design of the present invention, there would have to be a significant amount of experimentation before arriving at the design as claimed in claim 20. For example, even though *Ludolph* discloses a screen or mesh region 40, this region is sloped down at a front end. Therefore, it would be very hard for a pet such as a dog shown in FIG. 1 of *Ludolph* to move to a forward position to have a sufficient view out from many angles in the mesh region. In contrast, with the present invention as claimed in claim 20, a portable collapsible enclosure having a plurality of semicircular hoop portions and a “flexible netting material... substantially covering said outer section of said enclosure” These features add

significant value to the design of the present invention because as stated above, a pet would have significant visibility over the pet disclosed in FIG. 1 of *Ludolph*.

It is respectfully submitted that because Leader does not disclose rails to prevent the portable collapsible enclosure from falling off of the frame, Zarola does not disclose the flexible netting covering approximately half the length of the portable collapsible enclosure, and because Ludolph does not disclose a portable collapsible enclosure, there is no suggestion to combine these references together to arrive at the design of the present invention.

For example, the differences between the prior art and the present invention as outlined above amount to an incredible economic success of the design of the present invention.

While it is respectfully submitted that the above cited claims are patentable over the above cited references alone, enclosed are copies of two affidavits, one by Lise King, the inventor, attached as attachment A, and another by Charles George a purchaser of the product covered by the above cited claims and attached as Attachment B. In addition, enclosed is a design award which has been awarded to the inventor for "innovation and creativity" relating to the design of the "Kittywalk Fifth Avenue Pet Stroller". This design award was awarded by the Editors of "Cat Fancy" magazine, wherein this award is attached as Attachment C.

In ex parte proceedings before the Patent and Trademark Office, an applicant must show that the claimed features were responsible for the commercial success of an article, if the evidence of nonobviousness is to be accorded substantial weight. See In re Huang, 100 F.3d 135, 140, 40 USPQ2d 1685, 1690 (Fed. Cir. 1996).

It is respectfully submitted that the reasons for Mr. Charles George purchasing the product are because the design included the following elements:

a removable carrier; the carrier having a rounded enclosure with a frame having hoops; a flexible netting material being coupled to the hoops; at least one door being releasably secured to one end of the enclosure; and at least one fabric cover covering a portion of the enclosure such as approximately one half of the enclosure..

It is respectfully submitted that these features are found in the claims, and as such, it is respectfully submitted that the remaining claims are patentable.

In Pentech International, Inc. v. Hayduchok (DC SnY) 18 U.S.P.Q. 2d 1337, the court found non-obviousness based upon commercial success because sales reached more than \$1 million in its first four years on the market.

It is respectfully submitted that the affidavit by Ms. Lise King, the inventor, includes a statement the device being sold by Kittywalk, has achieved over one million dollars in sales since 2003 which is within the first four years as required by Pentech.

Courts have found commercial success in factual situations that are similar to the present situation. In Superior Merchandise Co. v. MGI Wholesale, Inc. (DC Ela) 51 USPQ 2d 1935, the court found that secondary considerations such as commercial success should be considered and found that a design patent was not obvious since the plaintiff patent owner sold its entire inventory of patented product and since the record shows that other competitors have copied that design.

In addition in Ashai America Inc. V. MFRI, (DC SNY) 51 USPQ 1154, the court considered the commercial success of a product and found that from the start, when the invention was marketed it enjoyed “immediate and substantial commercial success not given to prior thermoplastic piping systems” and also stated that since the plaintiff had adduced substantial evidence that the invention was copied by defendants as soon as they were presented with it. See also Generally Specialty Composites v. Cabot Corp. 845 F.2d 981,991 (Fed Cir. 1988); and also Uniroyal, Inc. V. Rudkin–Wiley Corp., 837 F.2d 1044, 1053-54.

As stated above, the evidence shows that there was commercial success that could be considered “immediate and substantial” since the device had achieved commercial sales of over one million dollars within the first four years. In addition this affidavit by Lise King also states that there is evidence of copying of the device as shown by attachments D and E which respectively disclose the device being sold by the inventor and a device being copied from the competitors of the inventor and being sold in the marketplace.

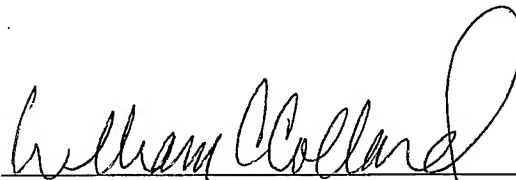
Given the above cited evidence, it is respectfully submitted that the remaining claims are patentable over the above cited references taken either singly or in combination.

In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Applicant respectfully request that a timely Notice of Allowance be issued in this case.

A Claims Appendix containing a copy of the claims involved in the appeal is attached to this brief, submitted in triplicate. Evidence and Related Proceedings Appendices are also attached. A remittance of \$500.00 in payment of the official fee is attached as well. Fee deficiencies, if any, should be charged to Deposit Account No. 03-2468.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William C. Collard". The signature is fluid and cursive, with a large loop at the end.

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

William C. Collard, Reg.No.38,411
Attorney for Applicant

Enclosure: Claims Appendix, Evidence Appendix, Attachments A-E, Related Proceedings Appendix

Claims 1-3, 5-11, and 13-22

Claim 1. A pet stroller comprising:

- a) a collapsible frame comprising;
 - i) a bottom section,
 - ii) a plurality of rails comprising a first set of substantially vertical rear rails and a second set of substantially forward rails coupled to said bottom section at a front portion of the frame and coupled to an upper portion of said substantially vertical rails at a rear portion of the frame,
 - iii) a handle disposed on said frame,
 - iv) a plurality of wheels rotatably secured to said frame; and
- b) an enclosure comprising;
 - i) an enclosure frame forming a bottom section of said enclosure, an outer section of said enclosure, and a plurality of end sections of said enclosure, said enclosure frame comprising a plurality of semicircular hoop portions forming a rounded upper surface and a plurality of crossbars;
 - ii) a flexible netting material secured to said enclosure frame and covering at least approximately one half of a length of said outer section of said enclosure;
 - iii) a padded material covering the bottom section of said enclosure;
 - iv) at least one door releasably secured to at least one of said plurality of end sections of said enclosure; and
 - v) a handle mounted to said enclosure for carrying said enclosure;

vi) at least one fabric cover covering approximately one half of the length of said enclosure and wherein said forward rails are angled so that when said portable collapsible enclosure is placed on said frame, said forward rails extend from a first position adjacent to a bottom region of said portable collapsible enclosure to a second position above said portable collapsible enclosure, in a manner to prevent said portable collapsible enclosure from falling off of said frame when said frame and enclosure are in use.

Claim 2. The pet stroller according to claim 1, wherein said frame comprises a plurality of side rails secured to said bottom section and a plurality of rear rails secured to said bottom section.

Claim 3. The pet stroller according to claim 2, wherein said plurality of side rails and said plurality of rear rails are comprised of metal tubing.

Claim 5. The pet stroller according to claim 1, wherein said flexible material is secured to said enclosure frame with adhesive, rivets or binding.

Claim 6. The pet stroller according to claim 1, wherein said netting material comprises fish netting.

Claim 7. The pet stroller according to claim 1, wherein said netting material is secured to said enclosure frame by rope or string which is wrapped through a hole in said netting material and around said enclosure frame.

Claim 8. The pet stroller according to claim 1, wherein said fabric cover comprises a durable, water resistant material disposed on a portion of said outer section of said enclosure.

Claim 9. The pet stroller according to claim 1, wherein the durable water resistant material covers one of the end sectionsu of the enclosure.

Claim 10. The pet enclosure according to claim 9, further comprising a window cut in the end section that contains the water resistant material.

Claim 11. The pet enclosure according to claim 9, further comprising a pocket located in said end section containing the water resistant material.

Claim 13. The pet stroller according to claim 1, wherein said enclosure is collapsible.

Claim 14. The pet stroller according to claim 1, wherein each of said plurality of wheels is comprised of rubber.

Claim 15. The pet stroller according to claim 1, wherein said wheels are removable.

Claim 16. The pet stroller according to claim 1, wherein said plurality of wheels comprises four wheels.

Claim 17. The pet enclosure according to claim 1, further comprising a brake to stop rotation of said plurality of wheels.

Claim 18. The pet stroller according to claim 1, wherein said enclosure frame is constructed from a strong weather-proof material selected from the group consisting of aluminum, steel and heavy plastic.

Claim 19. The pet stroller according to claim 1, wherein said door is releasably secured to at least one of said plurality of end sections of said enclosure by a zipper.

Claim 20. A pet stroller comprising:

- a) a collapsible frame comprising;
 - i) a bottom section,
 - ii) a handle disposed on said frame,
 - iii) a plurality of wheels rotatably secured to said frame;
 - iv) a plurality of rails coupled to said bottom section at a front portion of the frame and coupled to said handle at a rear portion of the frame; and
- b) a portable collapsible enclosure comprising;
 - i) an enclosure frame forming a bottom section of said enclosure, an outer section of said enclosure, and a plurality of end sections of said enclosure, said enclosure frame comprising a plurality of semicircular hoop portions forming a rounded upper surface and a plurality of crossbars;

ii) a flexible netting material secured to said enclosure frame and substantially covering said outer section of said enclosure;

iii) at least one door releasably secured to at least one of said plurality of end sections of said enclosure;

iv) at least one handle mounted to said enclosure for carrying said enclosure said handle extending lengthwise on said enclosure; and

v) a fabric cover covering approximately one half of the length of said enclosure said fabric cover being coupled to at least two of the frame components;

wherein said rails are angled up so that when said portable collapsible enclosure is placed on said frame, said rails extend from a first position adjacent to a bottom region of said portable collapsible enclosure to a second position above said portable collapsible enclosure, in a manner to prevent said portable collapsible enclosure from falling off of said frame when said frame and enclosure are in use.

21. A pet stroller comprising:

a) a collapsible frame comprising;

i) a bottom section,

ii) a handle disposed on said frame,

iii) a plurality of wheels rotatably secured to said frame;

iv) a plurality of rails comprising a set of substantially forward rails coupled to said bottom section at a front portion of the frame and coupled to said handle at a rear portion of the frame; and

- b) an enclosure comprising;
 - i) an enclosure frame forming a bottom section of said enclosure, an outer section of said enclosure, and a plurality of end sections of said enclosure, said enclosure frame comprising a plurality of semicircular hoop portions forming a rounded upper surface and a plurality of crossbars;
 - ii) a flexible netting material secured to said enclosure frame and covering said outer section of said enclosure;
 - iii) at least one door releasably secured to at least one of said plurality of end sections of said enclosure;
 - v) at least one handle mounted to said enclosure for carrying said enclosure; and
 - vi) a fabric cover extending over at least one of the semicircular hoop portions of the frame;

wherein said rails are angled up so that when said portable collapsible enclosure is placed on said frame, said rails extend from a first position adjacent to a bottom region of said portable collapsible enclosure to a second position above said portable collapsible enclosure, in a manner to prevent said portable collapsible enclosure from falling off of said frame when said frame and enclosure are in use.

22. The pet stroller as claimed in claim 20, wherein said enclosure has an end wall adjacent to a section enclosed by said fabric, wherein said end wall has a window disposed therein.

9.

EVIDENCE APPENDIX

- A. Affidavit of Lise King
- B. Affidavit of Charles George
- C. Contest Award
- D. Copy of Product Sold by Inventor; and
- E. Copy of Product sold by Competitor.

ATTACHMENT A
10/825,272

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LISE KING
SERIAL NO.: 10/825,272 EXAMINER: A. Valenti
FILED: April 15, 2004 GROUP: 3643
TITLE: Pet Stroller

DECLARATION UNDER 37 CFR 1.132 OF LISE KING

MAIL STOP AMENDMENT
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, LISE KING, declare the following:

1. I am the named inventor of the invention disclosed and claimed in United States Patent Application Serial No. 10/825,272 for a Pet Stroller, filed on April 15, 2004. This invention is a continuation-in-part of US Patent Application Serial No. 10/663,465 filed on September 16, 2003 which was based on provisional application no. 60/411,366 filed on September 17, 2002.
2. I am a co-owner of Kittywalk Systems, Inc., a manufacturer of Pet Strollers that fall within the scope of the claims in my above-referenced patent application.
3. In the pet industry, there has been a long-felt need for a device that can be used to safely enclose and transport small pets and give them a chance be exposed to the fresh air in a stroller, yet be simple to install and be easy to assemble as well.

4. Prior to developing the above-mentioned invention, I have not been aware of any pet strollers. The Pet Stroller sold under the Kittywalk name includes the following features: a removable carrier; the carrier having a rounded enclosure with a frame having hoops; a flexible netting material being coupled to the hoops; at least one door being releasably secured to one end of the enclosure; and at least one fabric cover covering a portion of the enclosure such as approximately one half of the enclosure.

5. Pet Strollers manufactured by Kittywalk Systems, and marketed under the name Kittywalk Pet Stroller have enjoyed considerable commercial success since their inception in April 2003.

6. Kittywalk Systems, Inc. has made over \$1 million in sales of the Kittywalk Pet Stroller described above since 2003.

7. Kittywalk Pet Strollers are featured in the following mail order catalogs:

Hammacher Schlemmer

In The Company Of Dogs

MSN Home Interiors

Drs. Foster & Smith (Retail Pet Supplies)

Skymall

8. The Kittywalk Pet Strollers are currently being stocked in 1200-1500 pet stores throughout the United States.

9. The Kittywalk Pet Stroller has been featured on the following television programs:

NBC News Philadelphia

Good Morning America

KTLA TV Morning News

David Letterman

WROC-TV

60 Minutes

The View

10. The Kittywalk Pet Stroller has received considerable print publicity, as articles featuring the Kittywalk Pet Stroller have appeared in the Minneapolis Star Tribune, Pet Set, Dan's Papers, and Animal Wellness. In addition the Pet Stroller has been exhibited at the New York Historical Society Museum in New York City last spring.

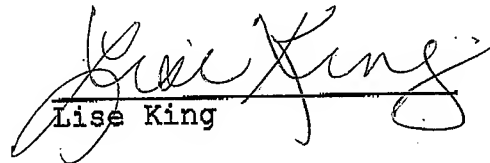
11. The Kittywalk Pet Stroller is a revolutionary product that has enjoyed considerable commercial success, and has fulfilled a long-felt need in the pet industry for a safe, easy way to let house pets enjoy the outdoors. It is respectfully submitted that this Pet Stroller is great for trips to the vet, for urban

dwellers, and it is wonderful for pets with hip and joint problems.

12. Since the initial sales of this Kittywalk pet stroller there have been numerous attempts to copy the design of the pet stroller by competitors and then sell a competing product in the market. Evidence of this copying is attached.

13. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereto.

Dated: 2/16/05


Lise King

ATTACHMENT B
10/825,272

B

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LISE KING

SERIAL NO.: 10/825,272

EXAMINER: A. Valenti

FILED: April 15, 2004

GROUP: 3643

TITLE: Pet Stroller

DECLARATION UNDER 37 CFR 1.132 of Charles George

MAIL STOP AMENDMENT
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Charles George, declare the following:

1. I have worked in the general field of product distribution for the past thirty five (35) years. I am currently employed by Pet Rageous Products, 11 Blarhard Road, Burlington, MA 01803 as the President. I have worked in this position for the past three (3) years.

2. In my current position, I am in charge of selecting items for distribution and sale in other stores such as: Target, Petco, PetSmart, Petland and many other large and small pet retailers or pet retail chains.

3. I have not received any benefit or payment for the statements being made in this declaration.

4. In the pet industry, there has been a long-felt need for a device that can be used to safely enclose and transport small pets and give them a chance be exposed to the fresh air in a stroller, yet be simple to install and be easy to assemble as well.

5. Prior to purchasing the above-mentioned invention, I have not been aware of any pet strollers on the market other than pet strollers having the following characteristics: a removable carrier; the carrier having a rounded enclosure with a frame having hoops; a flexible netting material being coupled to the hoops; at least one door being releasably secured to one end of the enclosure; and at least one fabric cover covering a portion of the enclosure such as approximately one half of the enclosure. These pet strollers can safely and easily enclose small pets in an outdoor environment, provide them with a comfortable environment, yet be easy to install and disassemble as well.

6. The Pet Stroller marketed under the name of the Kittywalk Pet Stroller and purchased by my company Pet Rageous Products has the following features: a stroller having a removable carrier; the carrier having a rounded enclosure with a frame having hoops; a flexible netting material being coupled to the hoops; at least one door being releasably secured to one end of the enclosure; and at least one fabric cover covering a portion of the enclosure such as approximately one half of the enclosure.

7. The reasons for purchasing this product relate to the above features listed so that the reasons for purchasing the stroller are because the stroller has a removable carrier with the carrier having a rounded enclosure with a frame having hoops. On the carrier is a flexible netting material, being coupled to the hoops. The carrier includes at least one door being releasably secured to one end of the enclosure. The carrier also has at least one fabric cover, covering a portion of the enclosure such as approximately one half of the enclosure.

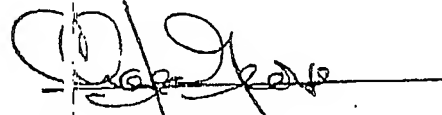
8. I have purchased over \$100,000.00 worth of these above identified strollers in late 2005.

9. The Kittywalk Pet Strollers are currently being stocked in over 1500 stores including 1200 Target stores throughout the United States, and marketed under the Target name of the "Boots & Barkley -Rain Shine Stroller" which are the recipients of our sales and distribution.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereto.

Dated: 2/1/2006


Charles George

ATTACHMENT C
10/825,272

CERTIFICATE OF ACHIEVEMENT

The Editors of **CAT FANCY** magazine proudly present a

2005 Editors' Choice Award
for innovation and creativity

to

Midnight Pass Inc.

for

Kittywalk Fifth Ave. Pet Stroller

Congratulations!

Susan Logan

Susan Logan, Editor

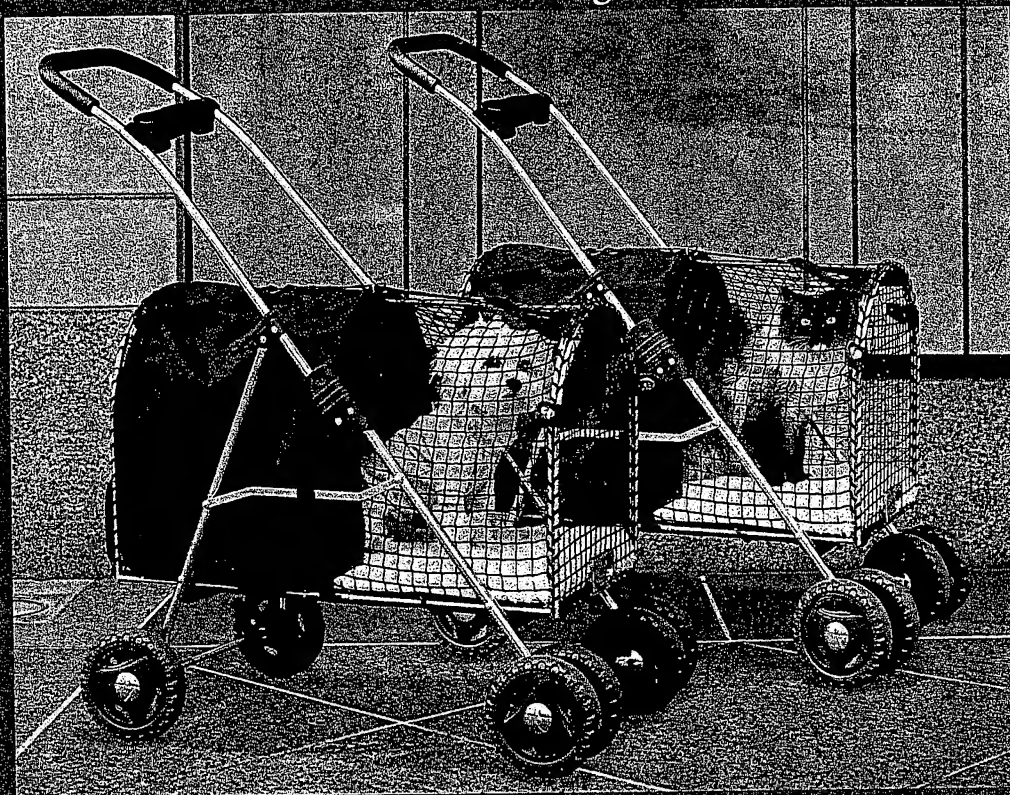
ATTACHMENT D
10/825,272

Kittywalk[®]

Systems Inc.

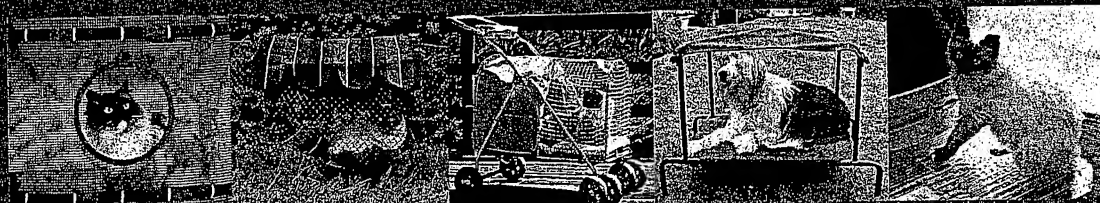
Innovative Products for Your Pet

2005 Catalog



Fifth Avenue Pet Stroller[™]

The Luxury Edition of the award winning Pet Stroller[™] product line. (Page 23)



Page 30

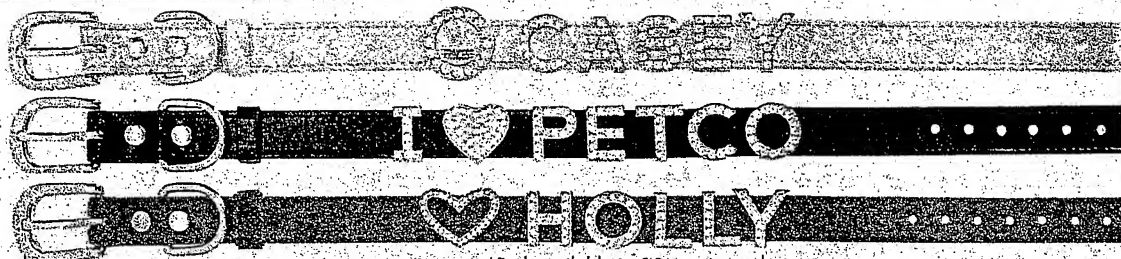
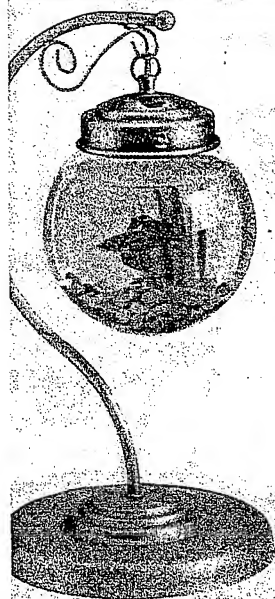
Page 9

Page 25

Page 17

Page 29

Attachment E
10/825,272



*Red available in 10mm size only.

F. Fashion Collars

Create a personalized fancy collar for your pampered pet and decorate it with custom charms. Choose from letters A - Z. Specify pink patent, black patent or red velvet collar. 10mm for small dogs and cats. 18mm for medium and large dogs.

10mm collar with up to 7 letters. Specify XS (7-10"), S (10.5-12.5") or M (13-16") . . . **#BC10MM1J \$49.99**

10mm collar with 8-13 letters. Specify XS (7-10"), S (10.5-12.5") or M (13-16") . . . **#BC10MM2J \$74.99**

18mm collar with up to 7 letters. Specify S (10.5-12.5"), M (13-16") or L (16.5-19") . . . **#BC18MM1J \$59.99**

18mm collar with 8-15 letters. Specify S (10.5-12.5"), M (13-16") or L (16.5-19") . . . **#BC18MM2J \$79.99**

10mm Crystal Charm. Specify Crystal Heart, 'Prince' or 'Princess' . . . **#BC10MMSPJ \$7.99**

18mm Crystal Charm. Specify Pavé Heart, Crystal Heart, 'Prince' or 'Princess' . . . **#BC18MMSPJ \$11.99**

G. Aquarium Desk Lamp

Aqua Beta suspended aquarium is perfect for desktops and nightlights. Beautiful crystal glass is enhanced by its own white LED light. 15" x 10" x 8"

Polished Nickel Finish #347817J \$39.99

Antique Brass Finish #347825J \$39.99

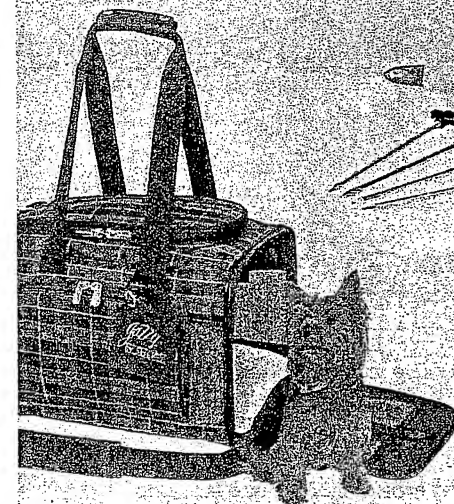
H. Inflatable Dog House

Lightweight and durable, this comfortable air insulated dog house is resistant to UV rays and extreme cold conditions. Comes with heavy-duty steel stakes to secure it to the ground.

S (Dogs up to 75 lbs.) #407836J \$149.99

M (Dogs up to 110 lbs.) #407879J \$169.99

L (Dogs up to 175 lbs.) #407887J \$199.99



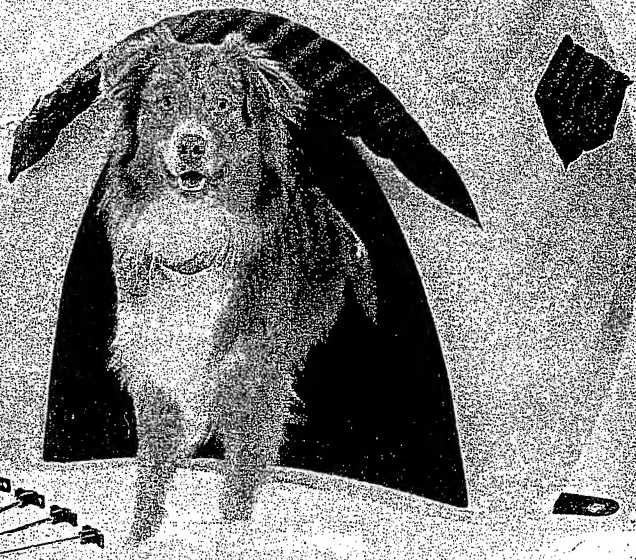
I. Sherpa Park Avenue Carrier

This chic plaid carrier is full of style and comfortable for your pet. Fashion tote fits easily under an airplane cabin seat. Numerous other features make traveling with your petite pal fun and easy.

S (Pets up to 5 lbs.) #950190J \$79.99

M (Pets up to 8 lbs.) #950211J \$89.99

L (Pets up to 20 lbs.) #950238J \$99.99



J. Talk To Me Cosmic Treatball

Alleviate separation anxiety with this fun toy that speaks to your dog in your own voice - while it dispenses treats! Just record and re-record your message and keep your dog busy and active for hours. Made of hard durable plastic.

S (Dogs up to 29 lbs.) #435970J \$16.99

L (Dogs over 30 lbs.) #435961J \$21.99

PETCO
Where the pets go.

K. Fresh Air Pet Stroller

Treat your pet to fresh air every day! This lightweight stroller allows you to bring your pet along with you anywhere. Ideal for puppies, kittens, small dogs, small animals and older pets up to 27 lbs.

#998540J \$159.99



10.

RELATED PROCEEDINGS APPENDIX

None